

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

RICHARD ARMIJO and  
ZOOILA ARMIJO,

Plaintiffs,

vs.

1:23-cv-00573-DHU-LF

CARDINAL LOGISTICS  
MANAGEMENT CORPORATION,  
PHILLIP E. JOHNSON, and  
AON RISK SERVICES SOUTHWEST, INC.,

Defendants.

**ORDER GRANTING MOTION TO COMPEL**

THIS MATTER comes before the Court on Plaintiffs' Motion to Compel Discovery Responses from Defendant Phillip E. Johnson (Doc. 20), filed December 18, 2023. On December 15, 2023, Mr. Johnson's counsel filed an unopposed Motion to Withdraw as counsel for Mr. Johnson. Doc. 17. On December 20, 2023, Mr. Johnson's then-counsel filed an unopposed Motion for Extension requesting that Mr. Johnson be granted until 20 days after the Court ruled on the Motion to Withdraw to respond to the instant Motion to Compel. Doc. 22. The Court granted this motion and, on January 11, 2024, granted the Motion to Withdraw. Docs. 23, 28. Mr. Johnson had until January 31, 2024, to file a response to the Motion to Compel but did not do so. I therefore GRANT the motion to compel.

A party's failure to serve a timely response to a motion "constitutes consent to grant the motion." D.N.M.LR-Civ. 7.1(b). "[L]ocal rules of practice, as adopted by the district court, 'have the force and effect of law, and are binding upon the parties and the court which promulgated them until they are changed in appropriate manner.' " *Smith v. Ford Motor Co.*, 626 F.2d 784, 796

(10th Cir. 1980). Because Mr. Johnson did not respond to Plaintiffs' Motion to Compel Discovery Responses, he has consented to the Court granting the motion. Further, I remind Mr. Johnson that although he is a pro se party, he is held to the same standards of professional responsibility as trained attorneys. Failure to participate in this case and to comply with the Court's orders may result in sanctions, up to and including an entry of default judgment against Mr. Johnson.

IT IS THEREFORE ORDERED that Mr. Johnson's objections to Plaintiff's Interrogatory Nos. 1, 11, and 21, and Requests for Production 1, 4, and 5 are overruled. Mr. Johnson must fully respond to Interrogatory Nos. 1, 11, and 21, and Requests for Production 1, 4, and 5 no later than May 22, 2024.



Laura Fashing  
United States Magistrate Judge